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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, November 6, 1998

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: Implementation of  
IntraLATA Toll Dialing Parity  
pursuant to the provisions of  
47 U.S.C. § 251(b)(3)

CASE NO. PUC970009

ORDER ON MOTION OF BELL ATLANTIC-VIRGINIA, INC.  
TO CLARIFY ITS OBLIGATION TO IMPLEMENT  
INTRALATA TOLL 1+PRESUBSCRIPTION

Our investigation of implementing intraLATA toll dialing parity ("dialing parity") pursuant to the provisions of 47 U.S.C. § 251(b)(3) was commenced on February 6, 1997. The Commission considered the dialing parity plan proposed by Bell Atlantic-Virginia, Inc. ("BA-VA") as well as plans filed by other local exchange companies ("LECs"). Following comments and a Staff Report, the Commission ordered on May 9, 1997, that BA-VA's dialing parity plan be approved in accordance with its findings.

On July 17, 1998, BA-VA filed its Motion To Clarify Its Obligation to Implement IntraLATA Toll 1+Presubscription ("Motion"). The Commission issued an Order on August 4, 1998, inviting comments. On August 28, 1998, Hyperion Telecommunications of Virginia, Inc. ("Hyperion") filed comments. On August 31, 1998, the Competitive

Telecommunications Association ("CompTEL"), AT&T Communications of Virginia, Inc., MCI Telecommunications Corporation, and Qwest/LCI Telecom Corporation filed comments. Additionally, two comments were filed by members of the public. All opposed BA-VA's Motion.

In its Motion, BA-VA requests that the Commission clarify that BA-VA is not required to implement intrastate, intraLATA toll 1+ presubscription until BA-VA is permitted to provide interstate toll services and sets forth certain allegations in support of its request.

In the entry of our Order Establishing Requirements and Conditionally Approving Plans ("Order") dated May 9, 1997, we considered the Federal Communications Commission's Order, In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, C.C. Docket No. 96-98, Second Report and Memo. Opinion (FCC, Aug. 8, 1996) ("the Dialing Parity Order"). The Dialing Parity Order established a timetable for LECs to provide intraLATA and interLATA dialing parity no later than February 8, 1999, and required LECs to submit to State Commissions their plans for implementing toll dialing parity at least ninety (90) days prior to February 8, 1999.

The FCC's Dialing Parity Rules, relied upon in our Order, were subsequently vacated in part by the United States Court of Appeals for the Eighth Circuit in its decision, *People of the*

*State of California v. FCC*, 124 F.3d 934, 943 (Eighth Cir., 1997), which case is now before the United States Supreme Court on appeal by the FCC.

Due to the compressed schedule that would be necessary for BA-VA to comply with our May 9, 1997 Order herein and based upon our reading of the holding in *California v. FCC*, and the inconvenience to LECs and CLECs in complying with the timeframes incidental to our Order of May 9, 1997, the Commission orders as follows:

That part of the Order of May 9, 1997, establishing the February 8, 1999, date for implementing dialing parity shall be suspended, and another date, or dates, to so implement may be established at a later time in this proceeding; and, upon the establishment of such date, all parties will be granted time to file implementation plans on a timely basis. However, any party that wishes to file an implementation plan, or an amendment or modification thereto, at any time prior to the establishment of any such implementation date or dates may proceed to do so.

The Commission does not rule on BA-VA's Motion to Clarify at this time but will consider this Motion in a timely manner in further proceedings in this docket.

This matter is now continued until further order of the Commission.